

MINUTES OF THE WATER/SEWER & TOWN BOARD MEETING OF
SEPTEMBER 24, 2014

PRESENT:	Deputy Supervisor	Andy Gillette
	Council	Bob Adams
		Mike Saglibene
	Attorney	Thomas Reilly
	Clerk	Linda Cross
ABSENT:	Supervisor	Edward Fairbrother
	Council	Lee Giammichele

Deputy Supervisor Gillette called the Water Board Meeting to order at 7:00 p.m. and requested those present to participate in the Pledge of Allegiance.

NEW BUSINESS

RESOLUTION NO. 220-14
2015 SPECIAL ASSESSMENT FOR WATER DISTRICT #3 PUBLIC HEARING SET

Resolution by: Adams
Seconded by: Saglibene

WHEREAS Water District #3 has incurred capital expenses for various capital improvements for the district in the past; and

WHEREAS Water District # 3 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements; and

WHEREAS the 2015 Special Assessment roll for Water District #3 has been completed and filed with the Town Clerk on September 19, 2014 and

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll.

NOW THEREFORE BE IT RESOLVED that the Town Board hereby calls for the holding of public hearing in the matter of the 2015 Special Assessment Roll for Water District #3 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 8, 2014, at 4:30 p.m. local time, and

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time when and the location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Adams, Saglibene, Gillette
NAYS: None ABSENT: Fairbrother, Giammichele

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RESOLUTION NO. 221-14
2015 SPECIAL ASSESSMENT FOR WATER DISTRICT #4 PUBLIC HEARING SET

Resolution by: Saglibene
Seconded by: Adams

WHEREAS Water District #4 has incurred capital expenses for various capital improvements for the district in the past; and

WHEREAS Water District #4 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements; and

WHEREAS the 2015 Special Assessment roll for Water District #4 has been completed and filed with the Town Clerk on September 19, 2014 and

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll, now

THEREFORE BE IT RESOLVED that the Town Board hereby calls for the holding of public hearing in the matter of the 2015 Special Assessment Roll for Water District #4 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 8, 2014, at 4:32 p.m. local time, and

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time when and the location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Adams, Saglibene, Gillette
NAYS: None ABSENT: Fairbrother, Giammichele

Since there was no further business to come before the Water Board, Deputy Supervisor Gillette closed the Water Board meeting at 7:03 P.M.

SEWER BOARD

Deputy Supervisor Gillette called the Sewer Board Meeting to order at 7:04 p.m.

NEW BUSINESS

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RESOLUTION NO.222-14
SEWER DISTRICT NO. 1, 2015 SPECIAL ASSESSMENT PUBLIC HEARING SET

Resolution by: Adams
Seconded by: Saglibene

WHEREAS Sewer District No. 1 has incurred capital expenses for various capital improvements for the district in the past, and

WHEREAS Sewer District No. 1 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements, and

WHEREAS the 2015 Special Assessment roll for Sewer District No. 1 has been completed and filed with the Town Clerk on September 18, 2014, and

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll, now

BE IT THEREFORE RESOLVED that the Town Board hereby calls for the holding of a public hearing in the matter of the 2015 Special Assessment Roll for Sewer District No. 1 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 8, 2014 at 4:34 p.m. local time, and

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time when and the location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Adams, Saglibene, Gillette
NAYS: None ABSENT: Fairbrother, Giammichele

RESOLUTION NO. 223-14
THE SEWER DISTRICT NO. 1 PROPOSED SCALE OF CHARGES PUBLIC HEARING SET

Resolution by: Saglibene
Seconded by: Adams

WHEREAS the Town of Big Flats has established Sewer District No. 1 through Proposed Resolution No. 03-092414, and

WHEREAS a Scale of Charges most recent revision was approved on October 9, 2013 for Sewer District No. 1, and

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RESOLUTION NO. 223-14, THE SEWER DISTRICT NO. 1 PROPOSED SCALE OF CHARGES
PUBLIC HEARING SET continued

WHEREAS the Scale of Charges needs to be revised to accommodate changes required for the operation of Sewer District No. 1, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board sets a Public Hearing for October 8, 2014 at 4:35 p.m. on the proposed Scale of Charges for Sewer District No. 1.

CARRIED: AYES: Adams, Saglibene, Gillette
NAYS: None ABSENT: Fairbrother, Giammichele

Deputy Supervisor Gillette closed the Sewer Board at 7:05 p.m.

TOWN BOARD

Deputy Supervisor Gillette called the Town Board Meeting to order at 7:06 p.m.

PUBLIC HEARING: 7:00 p.m. Pike Timber Harvest

Deputy Supervisor Gillette called the public hearing to order at 7:06 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on September 15, 2014, which allowed and considered public comments concerning Pike Timber Harvest permit on tax parcel #86.00.1-17.

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

Since there were no further comments, Deputy Supervisor Gillette closed the Public Hearing at 7:07 p.m.

CONCERNS OF THE PEOPLE – Karen Estep, 47 Owen Hollow Road, asked the Board for some assistance regarding her noisy neighbors, and all the campers parked in their yard, Motorcycles up and down the roads along with loud party's on weekends.

MINUTES

Councilperson Saglibene made a motion, seconded by Councilperson Adams to approve the minutes of August 13, 2014 as presented. All in favor except Supervisor Fairbrother, and Councilperson Giammichele who was absent, motion carried.

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Deputy Supervisor Gillette made a motion, seconded by Councilperson Saglibene to approve the minutes of August 27, 2014 as presented. All in favor except Supervisor Fairbrother, and Councilperson Giammichele who was absent, motion carried.

Deputy Supervisor Gillette made a motion, seconded by Councilperson Saglibene to approve the minutes of September 4, 2014 (special meeting) as presented. All in favor except Supervisor Fairbrother, and Councilperson Giammichele who was absent, motion carried.

Deputy Supervisor Gillette made a motion, seconded by Councilperson Saglibene to approve the minutes of September 10, 2014 as presented. All in favor except Supervisor Fairbrother, and Councilperson Giammichele who was absent, motion carried.

UNFINISHED BUSINESS

RESOLUTION NO. 224-14
THE WINDY CITY LOGGERS, TAX PARCEL #86.00-1-17, PROPERTY OWNED BY
GARY & CHRISTINE PIKE APPROVED

Resolution by: Saglibene
Seconded by: Adams

WHEREAS a Timber Harvesting Application has been received from Windy City Loggers to harvest ~60,000 board feet of timber from approximately 126 acres of land

WHEREAS the Town Board finds this action to be an Unlisted Action under SEQRA and to have no significant effect on the environment based on the following facts:

1. The timber harvesting will begin on September 25, 2014;
2. All roads will be graded and water bars installed at completion
3. The landing areas and all skid roads will be smoothed and free of debris, also the landing and skid roads will be seeded with a conservation mix after the harvest is complete.

BE IT THEREFORE RESOLVED the application for a timber harvesting permit submitted by Windy City Loggers is approved as follows:

1. The logging operation, as proposed, will involve trucks using Steege Hill Road to Route 10 to NYS Route 352 to I86. Trucks hauling logs will be required to display a valid safety inspection sticker on the windshield;
2. The transport of logs may only occur between the hours of 9:00am to 7:00pm daily with the exception that on days public schools are in session the transport of logs may not occur between the hours of 1:30 and 4:30PM.
3. All roads shall be kept free of dust and debris created by the logging operation. The roadway will be inspected and cleaned by the logger on a daily basis as needed and must be cleaned when required by the Code Enforcement Officer as a result of any inspections.

Prior to Obtaining Permit

4. A performance guarantee in the form of a certified check for \$2500 must be posted with the Code Enforcement Office before any timber harvesting may begin. The performance

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guarantee will be returned upon the satisfactory completion of all logging operations, compliance with conditions of this resolution, and a final inspection of the timber harvesting site by the Code Enforcement Officer, and a representative from Chemung County Soil and Water Conservation Service, if deemed necessary.

Prior to any Logging Operations

5. Proof of Vehicle, General Liability, and Workers Compensation Insurance with minimum liability coverage for personal injury or death of \$1,000,000 and for property damage of \$250,000 for logging operations, unless authorized by the Town Board and the Town Attorney. The Town of Big Flats must be listed as an additional insured and said proof must be filed with the Code Enforcement Office at least 48 hours before commencing any logging operations. Said proof of insurance must be approved by the Town Attorney prior to commencement of work.
6. Notification, in the form of a letter and a copy of the map showing the approved logging area must be provided to all abutters.

During Harvesting Activity

1. The logger shall notify the Code Enforcement Officer within five days of completion to Coordinate onsite inspections.
2. The logging site shall be subject to periodic inspections by the Code Enforcement Officer, and Chemung County Soil & Water Conservation Service Representatives at any time during the course of the operation. These inspections will be done between 10:00am and 4:00pm.

CARRIED: AYES: Adams, Saglibene, Gillette

NAYS: None

ABSENT: Fairbrother, Giammichele

RESOLUTION NO. 225-14

RESOLUTION # 209-14, ENTERING INTO AN AGREEMENT WITH BRYSON CLARK TO
SATISFY A JUDGEMENT AGAINST EMPIRE STORAGE, LLC, KIMBERLEE S. KLEE,
and CHISTOPHER KLEE ON TAX PARCEL 77.00-1-33.1 AMENDED

Resolution by: Adams

Seconded by: Saglibene

WHEREAS the Town of Big Flats has a judgment against Empire Storage, LLC, Kimberlee S. Klee, and Christopher Klee on tax parcel 77.00-1-33.1 for the sum of \$88,045.61 plus interest, and

WHEREAS Joel Klee is the record title holder of tax parcel 77.00-1-33.1 in the Town of Big Flats, County of Chemung being 104.039 acres, and

WHEREAS Bryson Clark is purchasing the tax parcel 77.00-1-33.1 from Joel Klee for the back taxes currently due on the property and to satisfy in the amount of \$90,000 to the Town of Big Flats against the judgment, and

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RESOLUTION NO. 225-14, RESOLUTION # 209-14, ENTERING INTO AN AGREEMENT WITH BRYSON CLARK TO SATISFY A JUDGEMENT AGAINST EMPIRE STORAGE, LLC, KIMBERLEE S. KLEE, and CHISTOPHER KLEE ON TAX PARCEL 77.00-1-33.1
AMENDED continued

WHEREAS Bryon Clark shall pay to the Town of Big Flats a down payment of \$20,000, and shall execute a Note and Mortgage to the Town of Big Flats in the amount of \$70,000, to be paid back without interest in monthly payments of \$1,000 each, and

WHEREAS the Town of Big Flats Board shall release all liens against Empire Storage LLC, Kimberlee S. Klee and Christopher Klee upon the closing on the sale of this property, and

WHEREAS for environmental purposes the administration of the Town personnel is a Type II action in accordance with SEQRA 6, NYCCR Part 617.5(c) (20) and as such no further action is required regarding the same, and

THEREFORE BE IT RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Bryson Clark on tax parcel 77.00-1-33.1 with the approval of the Town Attorney.

CARRIED: AYES: Adams, Saglibene, Gillette

NAYS: None

ABSENT: Fairbrother, Giammichele

RESOLUTION NO. 226-14

APPOINTMENT OF A "TEMPORARY WORKING FOREPERSON" BY DEPARTMENT OF
PUBLIC WORKS COMMISSIONER AND DEPUTY COMMISSIONER APPROVED

Resolution by: Saglibene

Seconded by: Adams

WHEREAS the Town Board created a stipend for duties and responsibilities of "Temporary Working Foreperson" by Resolution No. 187-14, and

WHEREAS the stipend was set at \$0.80 per hour for hours worked by the employee who has been delegated the duties per aforementioned resolution, and

WHEREAS the Commissioner and Deputy Commissioner of Public Works interviewed interested employees, and

WHEREAS the Commissioner and Deputy Commissioner have appointed Daniel McNerney as the Temporary Working Foreperson, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

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RESOLUTION NO. 226-14, APPOINTMENT OF A “TEMPORARY WORKING FOREPERSON” BY DEPARTMENT OF PUBLIC WORKS COMMISSIONER AND DEPUTY COMMISSIONER APPROVED continued

BE IT THEREFORE RESOLVED the Town Board approves the appointment of Daniel McInerney as Temporary Working Foreperson with a stipend of \$0.80 per hour for hours worked on delegated duties.

CARRIED: AYES: Adams, Saglibene, Gillette
NAYS: None ABSENT: Fairbrother, Giammichele

NEW BUSINESS

RESOLUTION NO. 227-14
ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Gillette
Seconded by: Adams

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for September 2014, vouchers 4003701 – 4003844 and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 67,502.16
HIGHWAY FUND	\$ 855,677.18
SEWER DISTRICT#1	\$ 13,408.38
WATER DISTRICT #1	\$ 13,054.07
WATER DISTRICT #2	\$ 10,860.68
WATER DISTRICT #3	\$ 6,744.87
WATER DISTRICT #4	\$ 2,425.88
LIGHTING DISTRICT	\$ 564.50
TRUST & AGENCY	\$ 6,454.64
DEBT SERVICES FUND	\$ 700,000.00

CARRIED: AYES: Saglibene, Adams, Gillette
NAYS: None ABSENT: Fairbrother, Giammichele

RESOLUTION NO. 228-14
WINTER TAFFY EMPLOYEES FOR 2014-2015 APPOINTED

Resolution by: Saglibene
Seconded by: Adams

WHEREAS the Big Flats Youth Services Department will be hosting the Winter TAFFY Program from September 26, 2014 through April 10, 2015, and

WHEREAS the Program Coordinator recommends the Town Board appoint the employees listed below, and

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RESOLUTION NO. 228-14, WINTER TAFFY EMPLOYEES FOR 2014-2015 APPOINTED
continued

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints the following Winter TAFFY employees:

	<u>2014</u>	<u>2015</u>
Amanda Lee	\$8.00/hr	\$8.00/hr.
Logan Carpenter	\$8.00/hr	\$8.00/hr.
Victoria Davis	\$8.00/hr	\$8.00/hr.
Derek Stein	\$8.00/hr	\$8.00/hr.
Danielle Fuller-Sincock	\$8.00/hr	\$8.00/hr.
Jordan Yorio	\$8.00/hr	\$8.00/hr.
Sara Lovell	\$8.00/hr	\$8.00/hr.
Kayla Mitchell	\$8.00/hr	\$8.00/hr.

CARRIED: AYES: Adams, Saglibene, Gillette
NAYS: None ABSENT: Fairbrother, Giammichele

RESOLUTION NO. 229-14
RESIGNATION OF REBECCA PRESTON AS PART TIME CLERK TO THE COMMUNITY
CENTER APPROVED

Resolution by: Adams
Seconded by: Saglibene

WHEREAS a letter, dated September 12, 2014, has been received from Rebecca Preston resigning as a clerk of the community Center, and

WHEREAS for environmental review purposes the Town Board finds this to be Type II administration action pursuant no 6NYCRR 617.5(c) (20) and as such, no environmental review is required for a Type II action, now

BE IT THEREFORE RESOLVED the Town Board acknowledges the resignation of Rebecca Preston as an employee of the Town of Big Flats effective September 26, 2014.

CARRIED: AYES: Adams, Saglibene, Gillette
NAYS: None ABSENT: Fairbrother, Giammichele

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RESOLUTION NO. 230-14
SPECIAL MEETINGS FOR 2015 TENTATIVE BUDGET WORKSHOPS APPROVED

Resolution by: Saglibene
Seconded by: Adams

WHEREAS the Town Clerk submitted the 2015 Tentative Budget and special meetings are necessary for the review of said budget, now

BE IT THEREFORE RESOLVED the Town Board sets Special Town Board meetings for the purpose of reviewing the proposed 2015 Budget.

- Youth/ Community Center – Monday, September 29, 2014 at 4:00 p.m.
- DPW – Tuesday, September 30, 2014 at 2:00 p.m.
- Code and Planning Department - Thursday, October 2, 2013 at 4:00 p.m., and
- All other departments – Monday, October 6, 2014 @ 4:00 p.m.

CARRIED: AYES: Adams, Saglibene, Gillette
NAYS: None ABSENT: Fairbrother, Giammichele

RESOLUTION NO. 231-14
SEPTEMBER 24, 2014 COMMUNICATION LOG APPROVED

Resolution by: Adams
Seconded by: Saglibene

BE IT RESOLVED that the following communications were received, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

September 17, 2014

Time Warner Cable – RE: September 17, 2014 Programming Notice Changes (CNY/JT).
Referred to: Town Board and Town Clerk for filing.

CARRIED: AYES: Adams, Saglibene, Gillette
NAYS: None ABSENT: Fairbrother, Giammichele

Deputy Supervisor Gillette made a motion, seconded by Councilperson Adams to adjourn the Town Board meeting at 7:59 p.m. All in favor except Supervisor Fairbrother and Councilperson Giammichele, motion carried.

Date approved: _____ Linda Cross
Town Clerk